

REMARKS

Applicants request favorable reconsideration of the subject application in view of the foregoing amendments and the following remarks.

The foregoing amendments are believed to place the application into condition for allowance, or at least in better form for appeal. The amendments were not earlier presented because Applicants earnestly believed the claims to be allowable in their earlier form based on Applicants' perception of the previous Office Action. Accordingly, Applicants request entry and consideration of the amendments.

Claims 22-27 are pending. Claim 22 is the sole independent claim and has been amended herein. Dependent Claim 27 is newly added. Support for the amendments can be found at page 17, lines 7-30 and Figs. 16-18 of the specification. No new matter has been added.

Claims 22, 23 and 26 stand rejected by the Examiner as being anticipated by Young. Claims 24 and 25 stand rejected as being unpatentable over Young in view of Down. These rejections respectfully are traversed.

Applicants dispute that the combination of set-screw bolt (C) and thimble (a) of Young is a clamp, even according the definition cited in both the final Office Action and the previous (non-final) Office Action ("any of various devices for clasping or fastening things together, or for bracing parts; esp. an appliance with two parts that can be brought together, usually by a screw, to grip something"). As noted in Applicants' response to that earlier Office Action, the set-screw bolt pierces the rope rather than to bring two parts together to grip the rope (see page 1, lines 92-95, of Young). Thus, rather than retaining the rope through a clamping mechanism, set-screw bolt retains the rope by penetrating the rope to form a positive, mechanical lock.

In response to Applicants' line of reasoning, the final Office Action merely emphasizes the terms, "fastening things together," in the above-noted definition. Since no further explanation is given, Applicants presume that it is this aspect of the definition (and not, as Applicants previously believed, the "usually by a screw" aspect) that is relied upon in interpreting the definition to cover the set-screw bolt and thimble of Young. Therefore, Claim 22 has been amended to recite that the clamp clamps the tension member.

MPEP 2111.01 dictates that a claim term is to be given its broadest reasonable interpretation and take on the ordinary and customary meaning attributed to it by those of ordinary skill in the art. Accordingly, Applicants respectfully submit that Young fails to disclose at least the feature regarding a clamp to provide a second retaining mechanism as claimed in Claim 22.

Therefore, Young fails to disclose each and every element of the claimed invention of Claim 22, and of Claims 23 and 26, which depend from Claim 22. Therefore, Applicants request withdrawal of the rejection of these claims.

Regarding Claims 24 and 25, MPEP 2143.01 dictates that obviousness can only be established by combining or modifying the teachings of the prior art where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

As previously noted, the clamp disclosed in Down is an independent termination device, as is the device disclosed in Young. There is no teaching, suggestion or incentive within Young or Down to use two separate, independent termination devices, each of which has the objective of providing a single termination device. Although the Office Action indicates that it would have been obvious to do so in order to provide additional safety, Applicants are not aware of where such suggestion or motivation can be found. There would have been no objective reason for this combination absent hindsight reconstruction based on Applicants' disclosure.

Therefore, Applicants request withdrawal of the rejection of claims 24 and 25.

New Claim 27, which depends from Claim 24, recites additional features regarding location of the clamp that are not disclosed or suggested in the art.

Favorable consideration and passage to issue are requested.

Please charge any necessary fees to Deposit Account No. 15-0750.

Respectfully submitted,

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